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OFFICE OF PETITIONS

ON PETITION

In re Application of
Michael Bebo et al.
Application No. 10/656,521
Filed: September 5, 2003
Attorney's Docket No.
60027.0331US01/BS030325

This decision is in response to the petition filed January 26, 2004, captioned "Petition with Evidence of Deposit" in Response to Notice of Omitted Item(s) in a Non-Provisional Application" and is treated under 37 CFR 1.53 to accord the above identified application a filing date of September 5, 2003.

The petition is **DISMISSED**.

The application was filed September 5, 2003. However, on November 26, 2003, the Office of Initial Patent Examination mailed a "Notice" stating that the application had been accorded a filing date of September 5, 2003, and advised applicants that Figures 3A, 3B, 4A and 4B described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners explain that no Figures were missing on September 5, 2003. The specification, however, incorrectly referred to Figures 3A, 3B, 4A and 4B rather than Figures 3 and 4.

It is obvious from the petition that no drawings were actually missing on September 5, 2003. Rather, the specification incorrectly referred to Figures 3A, 3B, 4A and 4B as a result of the applicants' filing error. However, the "Notice" mailed on November 26, 2003, was correct in stating that Figures 3A, 3B, 4A and 4B described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The present petition was not necessitated by any error on the part of the Office and the \$130.00 petition was required upon filing of the petition. Thus, the \$130.00 petition fee will not be refunded.

The application will be processed and examined using the application papers filed on September 5, 2003.

Receipt is acknowledged of the preliminary amendment filed on January 26, 2004.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 5, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

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